

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Rick James and Billie Jo Wagner : Bankruptcy Case No. 18-10679-TPA
Debtor(s) : Chapter 13

PLAN CONFIRMATION ORDER

AND NOW, this **20th** of **October, 2021**, it is hereby **ORDERED, ADJUDGED and DECREED**, with the consent of all the Parties in attendance, as follows:

A The Chapter 13 Plan dated **August 24, 2021**, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court.

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. Objections to the Plan: This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. Review of Claims Docket and Objections to Claims. Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

4. Motions or Complaints Pursuant to §§506, 507, or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

Revised 7/26/2021

2. Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C. §1322(b)(2), nothing in this Order shall be construed to change the payment terms established in the Plan.

4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

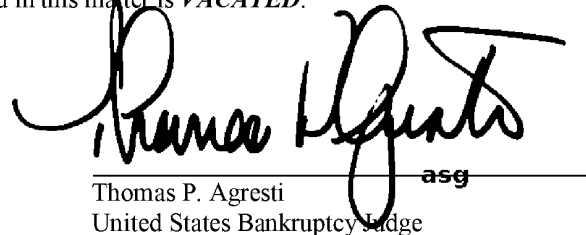
7. Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

8. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

9. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.


Thomas P. Agresti
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:
Rick James Wagner
BillieJo Wagner
Debtors

Case No. 18-10679-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Oct 20, 2021

User: culy
Form ID: pdf900

Page 1 of 3
Total Noticed: 46

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ++ | Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4). |
| ## | Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2021:

| Recip ID | Recipient Name and Address |
|----------|--|
| db/jdb | + Rick James Wagner, BillieJo Wagner, 1374 Cayuga Drive, Espyville, PA 16424-4206 |
| cr | + J.P. Morgan Mortgage Acquisition Corp. c/o Rushmor, C/o Richard M. Squire & Associates, LLC, 115 West Avenue, Suite 104, Jenkintown, PA 19046-2031 |
| cr | + Seterus, Inc., as the authorized subservicer for F, P.O. Box 1047, Hartford, CT 06143-1047 |
| 14875624 | + Ashtabula County Medical Center, 2420 Lake Avenue, Ashtabula, OH 44004-4970 |
| 14887808 | + Conneaut Medical Center, PO Box 781988, Detroit, MI 48278-1988 |
| 14887809 | + Erie Endodontic Associates PC, 3308 State Street, Erie, PA 16508-2858 |
| 14887810 | + FirstCredit Inc, PO Box 630838, Cincinnati, OH 45263-0838 |
| 14887811 | + Geneva Medical Center, PO Box 781988, Detroit, MI 48278-1988 |
| 15308403 | + J.P. Morgan Mortgage Acquisition Corp., Rushmore Loan Management Services LLC, P.O. Box 55004, Irvine, CA 92619-5004 |
| 14887814 | + Montgomery Lynch & Associates Inc, PO Box 22720, Beachwood, OH 44122-0720 |
| 15069894 | + Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619094, Dallas, TX 75261-9094 |
| 14887815 | + Northshore Healthcare LLC, PO Box 258896, Oklahoma City, OK 73125-8896 |
| 14887816 | + Oral & Maxillofacial Surgery, 505 Poplar Street, Meadville, PA 16335-3057 |
| 14875632 | ++ SETERUS INC, PO BOX 619096, DALLAS TX 75261-9096 address filed with court:, Seterus Inc, 14523 SW Millikan Way Street, Beaverton, OR 97005 |
| 14913429 | + Seterus, Inc., as the authorized subservicer for F, Martha E. Von Rosenstiel, P.C., 649 South Avenue, Secane, PA 19018-3541 |
| 14887818 | + St Joseph Health Center, 476 South Main Street, Andover, OH 44003-9602 |
| 14887819 | + UH Case Medical Center, PO Box 781988, Detroit, MI 48278-1988 |
| 14887820 | + UH Cleveland Medical Center, PO Box 781988, Detroit, MI 48278-1988 |
| 14887821 | + UH Conneaut Medical Center, PO Box 781988, Detroit, MI 48278-1988 |
| 14887822 | + UH Geneva Medical Center, PO Box 781988, Detroit, MI 48278-1988 |
| 14887823 | + UHMP Chenguttai Manohar MD, PO Box 14000, Belfast, ME 04915-4033 |
| 14887824 | + UHMP Geneva Area Physicians, PO Box 14000, Belfast, ME 04915-4033 |
| 14887825 | + UHMP Otolaryngology, PO Box 14000, Belfast, ME 04915-4033 |
| 14887826 | + UHMP University Gastroenterology, PO Box 14000, Belfast, ME 04915-4033 |
| 14917792 | UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973, MADISON, WI, 53708-8973 |
| 14887827 | + University Hospitals Medical Group, PO Box 14000, Belfast, ME 04915-4033 |
| 14887828 | + University Hospitals Medical Practices, PO Box 772038, Detroit, MI 48277-2038 |
| 14875633 | + Us Department Of Education / Gllesi, Po Box 7860, Madison, WI 53707-7860 |
| 14875634 | + Wells Fargo, Po Box 14517, Des Moines, IA 50306-3517 |
| 14912751 | + Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, P.O. Box 130000, Raleigh NC 27605-1000 |
| 14901743 | Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438 |
| 14875635 | + Wells Fargo Dealer Services, Po Box 1697, Winterville, NC 28590-1697 |

TOTAL: 32

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|---|----------------------|---|
| cr | + Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM | Oct 20 2021 22:56:00 | Americredit Financial Services, Inc.Dba GM Financi, P.O Box 183853, Arlington, TX |

District/off: 0315-1

User: culy

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Total Noticed: 46

| | | | |
|----------|---|----------------------|---|
| 14888671 | Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM | Oct 20 2021 22:56:00 | 76096-3853 Americredit Financial Services, Inc., DBA GM Financial, P.O Box 183853, Arlington, TX 76096 |
| 14875627 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | Oct 20 2021 22:56:00 | Comenity Bank / Peebles, Po Box 182789, Columbus, OH 43218-2789 |
| 14875628 | + Email/Text: bankruptcy@connexuscu.org | Oct 20 2021 22:56:00 | Connexus Credit Union, 2600 Pine Ridge Boulevard, Wausau, WI 54401-7800 |
| 14875629 | Email/Text: eblymiller@fidelitycollections.com | Oct 20 2021 22:56:00 | Fidelity Properties Inc, 885 South Sawburg Avenue, Suite 10, Alliance, OH 44601 |
| 14875630 | + Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM | Oct 20 2021 22:56:00 | Gm Financial, Po Box 181145, Arlington, TX 76096-1145 |
| 14875631 | + Email/PDF: Citi.BNC.Correspondence@citi.com | Oct 20 2021 23:04:17 | Goodyear / Cbna, Po Box 6497, Sioux Falls, SD 57117-6497 |
| 14875625 | Email/PDF: ais.chase.ebn@americaninfosource.com | Oct 20 2021 23:04:09 | Chase Card, Po Box 15298, Wilmington, DE 19850 |
| 14875626 | Email/PDF: ais.chase.ebn@americaninfosource.com | Oct 20 2021 23:04:16 | Chase Mortgage, Po Box 24696, Columbus, OH 43224 |
| 14887812 | Email/Text: jennifer.hester@lakehealth.org | Oct 20 2021 22:56:00 | Lake Health, PO Box 771781, Detroit, MI 48277 |
| 14887813 | + Email/Text: mwetherbee@mmchs.org | Oct 20 2021 22:56:00 | Meadville Medical Center, 1034 Grove Street, Meadville, PA 16335-2945 |
| 14910501 | Email/Text: bnc-quantum@quantum3group.com | Oct 20 2021 22:56:00 | Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788 |
| 14887817 | Email/Text: bk@revenuegroup.com | Oct 20 2021 22:56:00 | Revenue Group, PO Box 93983, Cleveland, OH 44101 |
| 15412809 | Email/Text: tidewaterlegalebn@twcs.com | Oct 20 2021 22:56:00 | Tidewater Finance Company, P.O. Box 13306, Chesapeake, VA 23325 |

TOTAL: 14

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|--|
| cr | | J.P. Morgan Mortgage Acquisition Corp. |
| cr | | Nationstar Mortgage LLC d/b/a Mr. Cooper |
| 14925777 | *+ | Seterus, Inc., as the authorized servicer for F, Martha E. Von Rosenstiel, P.C., 649 South Avenue, Secane, PA 19018-3541 |
| 14875623 | ##+ | Aqua Finance Inc, 2600 Pine Ridge Boulevard, Wausau, WI 54401-7800 |

TOTAL: 2 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2021

Signature: /s/Joseph Speetjens

District/off: 0315-1

User: culy

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CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2021 at the address(es) listed below:

| Name | Email Address |
|-------------------------------------|--|
| Brian Nicholas | on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper bnicholas@kmlawgroup.com |
| Chandra Marie Arkema | on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. tuhawkeye@msn.com carkema@squirelaw.com |
| Daniel P. Foster | on behalf of Joint Debtor BillieJo Wagner dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com |
| Daniel P. Foster | on behalf of Debtor Rick James Wagner dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com |
| Heather Stacey Riloff | on behalf of Creditor Seterus Inc., as the authorized servicer for Federal National Mortgage Association ("Fannie Mae"), creditor heather@mvlaw.com, Michelle@mvlaw.com |
| Michael John Clark | on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. c/o Rushmore Loan Management Services LLC mclark@squirelaw.com |
| Office of the United States Trustee | ustpreion03.pi.ecf@usdoj.gov |
| Ronda J. Winnecour | cmecf@chapter13trusteedpa.com |

TOTAL: 8